

REMARKS

This responds to the Office Action mailed on June 14, 2005.

Claims 1-25 are presently pending in this application.

§103 Rejection of the Claims

Claims 1, 3-4, 6-8 and 11-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nazem et al. (U.S. 5,983,227) in view of Godin et al. (U.S. 5,890,138). It is of course fundamental that in order to sustain an obviousness rejection that each and every element or step must be taught or suggested in the proposed combination of references. Moreover, any proposed combination of references must not run contrary to the individual teachings of the references that comprise the proposed combination.

More specifically, Nazem is directed to improving customization and performance associated with a user's own web page. A user's web page is associated with a template and the template defines a layout of the page and a presentation desired by the user. The "live data" is dynamically populated to the template when the user attempts to access the page. There is no concept of login or login sessions taught or suggested in Nazem and this point appears to be acknowledged by the Examiner with this office action.

Godin is directed to an auction system with rapid feedback of a reverse auction process and immediately removes a user once a purchase is made. The Examiner cites a reference location in Godin for the proposition that Godin teaches the network login session or login session of the Applicants' independent claims. The reference location is FIG. 11 item number 160 and column 6 lines 60-67.

A complete reading of this reference location and its surrounding description reveals that this is used for purposes removing a participant from the auction and permitting the participant to buy a product associated with the auction. To do this, the participant is shown the screen depicted in FIG. 11 where the participant logs into the service. Next, FIG. 12 is shown and shown for only 2 minutes. Godin, col. 7 lines 3-5. The screens activated and presented when a participant attempts to buy a product is intentionally and severely restricted in Godin. Godin

wants to enforce and to maintain security and control once a participant is logged in for a purchase. Participants remain anonymous in the auction system until they attempt to make a purchase. At that point in time, the identities of the participants become known and the control flow and screens presented to the participants are restricted and controlled by Godin. This is done to improve security and is stated as a core teaching and aspect of the Godin reference.

In contrast, Applicants' independent claims positively recite features within network-based transaction facility that are controlled by login preference information and enforced with subsequent login sessions associated with the user. The login session of Godin is not capable of this and does not teach any of these limitations. In Godin, once a login occurs, the presentation and features are severely and intentionally restricted. Godin did this for security and did not want a user to have any control. Moreover, in some cases a user is not even registered to the Godin auction system when it initially logs in or creates a login identity.

Thus, the login technique of Godin does not activate preferences that control features of the Godin auction system as is positively recited in Applicants' independent claims. Therefore, the login in Godin is materially different from Applicants' claimed login session. Accordingly, the proposed combination of Godin and Nazem lack each and every element or step of Applicants' independent claims and thus cannot be said to render Applicants' independent claims obvious.

Second, it would make little sense to one ordinary skill in the art to combine Nazem and Godin in the manner suggested by the Examiner. This is so, because Nazem permits users to customize their own web pages using templates and preferences while Godin permits Internet auction users to remain anonymous until a purchase is desired and at that point enforces severe restrictions on how and in what manner information and features are presented to the auction users whom are now identified.

Applicants respectfully submit that combining Nazem with Godin would yield either a customized web page that is activated at a login or yield a customized web page that is accessible from an auction system once logged into the auction system. In either case, there are no instances of the likely combinations where features of a network-based transaction facility are actually controlled by user preferences during login sessions. That is, a combination that

permitted the auction service of Godin to be controlled by user preferences would necessarily run contrary to the security teachings and disclosure presented in Godin. Therefore, Applicants respectfully submit that the proposed combination cannot be done in the manner suggested by the Examiner because to do so would run contrary to the very teachings of Godin and such a situation is not permissible for purposes of rendering Applicants' claims obvious.

Correspondingly, Applicants submit the claims are in condition for allowance because the proposed combination still lacks a login session that is controlled by login preferences and because the proposed combination is not likely and if achievable at all would run contrary to the teachings of one of the references, namely the Godin reference.

Claims 2, 5 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nazem et al. in view of Godin et al., and further in view of My Yahoo (Wayback Machine 1998-12-12). Claims 2, 5, and 9-10 are dependent from independent claim 1; therefore for the remarks presented above with respect to independent claim 1, the rejections of claims 2, 5, and 9-10 should be withdrawn.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

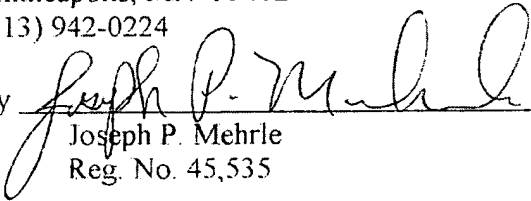
JENNIFER PEARSON ET AL.

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Date 8-15-05


By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of August, 2005.

Peter Rebuffoni

Name


Signature